

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court  
Southern District of Texas**ENTERED**

November 21, 2022

Nathan Ochsner, Clerk

Fiesta Mart, LLC,

Plaintiff,

versus

Willis of Illinois, Inc., *et.al.*,

Defendants.

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Civil Action H-20-3484

## Order on Confidentiality Procedures

On October 12, 2022, rather than following the procedures set forth in the parties stipulated protective order,<sup>1</sup> Willis Towers Watson Midwest, Inc. (formerly known as Willis of Illinois, Inc.) and Willis Towers Watson US, LLC (collectively, “Willis”) submitted six documents for *in camera* review, which Willis wishes to use as evidence in support of its motion for summary judgment. Without filing a corresponding motion or otherwise following proper procedures, Willis asks the Court to make determinations about the confidentiality of those documents.

In response, Fiesta Mart, LLC filed a “Motion to Preserve Confidentiality of Documents and Rule 5.2(d) Motion to Order Exhibits Filed Under Seal or, in the alternative, Filed as Excerpts.”<sup>2</sup> Fiesta Mart urges the Court to either, (1) decline Willis’s invitation to rule on the confidentiality of the documents, or (2) affirmatively rule that certain of the documents are confidential and must be filed under seal or in a redacted form. Specifically, Fiesta Mart asserts that the

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<sup>1</sup> [Doc. 59].


<sup>2</sup> [Doc. 76]

documents labeled by Willis as “Exhibit 16,” “Exhibit 17,” and “Exhibit 46” are confidential and that their public disclosure would harm Fiesta Mart. Fiesta Mart provided redacted versions of Exhibits 16 and 17 to its motion,<sup>3</sup> but maintains that there is no manner of redaction for Exhibit 46 that would adequately protect the confidentiality of the document.<sup>4</sup> Fiesta Mart makes no arguments about the confidentiality of Exhibits 10, 44, and 50, also included in Willis’s *in camera* submission.

Because Willis did not follow the procedures for challenging confidentiality set forth in the stipulated protective order, the Court declines to rule on the confidentiality of the documents submitted on October 12, 2022 for *in camera* review and grants, in part, Fiesta Mart’s motion. (76)

By December 16, 2022, the summary judgment record will be considered complete, and all exhibits in support of Willis’s motion for summary judgment must be filed with the Court. The parties are encouraged to work out their disagreements about the confidentiality of the proposed exhibits to Willis’s motion for summary judgment. Willis is encouraged to file redacted exhibits when possible, and Fiesta Mart is encouraged to agree to the de-designation of confidentiality where appropriate.

Signed on November 21, 2022, at Houston, Texas.

  
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Lynn N. Hughes  
United States District Judge

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<sup>3</sup> [Doc. 76-4]; [Doc. 76-5].

<sup>4</sup> [Doc. 76] at 7.